

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD C. YOUNG,)	
)	
Plaintiff,)	Case: 1:22-cv-04720
)	
v.)	
)	
ADVANCE SERVICES, INC., and JAMES HARDIE BUILDING PRODUCTS, INC.,)	
)	Jury Trial Demanded
)	
Defendants.)	

PLAINTIFF’S OPPOSED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff, Richard Young (“Plaintiff”), by and through the undersigned counsel, hereby files this Motion for Leave to File Amended Complaint, and in support thereof, states as follows:

1. On September 2, 2022, Plaintiff filed his Complaint seeking redress for alleged violations of the Americans with Disabilities Act of 1990 and the Illinois Human Rights Act (775 ILCS 5/) and violations of the common law claim of retaliatory discharge, against Advance Services, Inc. and James Hardie Building Products, Inc. (“Defendants”). [Dkt. No. 1].

2. Plaintiff requests to amend this Complaint to address the deficiencies Defendants raise in their Motion to Dismiss [Dkt. 11, 12, 15].

3. Pursuant to Fed. R. Civ. P. 15(a)(2), a court should freely give a party leave to amend its pleading when justice requires. *See* Fed. R. Civ. P. 15(a)(2).

4. “Rule 15(a) declares that leave to amend ‘shall be freely given when justice so requires’; this mandate is to be heeded. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” *Foman v. Davis*, 371 U.S. 178, 182 (1962).

5. A District Court may deny a motion to amend where there is “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amended, etc.” *Id.*

6. Justice would be served if Plaintiff is granted leave to amend the Complaint.

7. Plaintiff’s Motion for Leave to Amend is not brought for purposes of causing undue delay, nor is it the result of bad faith or other dilatory motive. This is Plaintiff’s first request to amend the Complaint and Defendants will not suffer any prejudice as a result of the amendment.

8. Plaintiff’s Counsel conferred with Defendants’ Counsel as to the instant motion. Defendant, Advanced Services, Inc. opposes the filing of this motion and Defendant, James Hardie Building Products Inc. does not oppose the filing of this motion.

WHEREFORE, Plaintiff respectfully requests this Court to enter an order granting Plaintiff leave to file his Amended Complaint (attached hereto as Exhibit “1”) and to grant any other relief deemed just and proper.

Dated this 8th day of November, 2022.

/s/ Nathan C. Volheim
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of November, 2022, a true and correct copy foregoing has been provided electronically via electronic mail and/or via U.S. mail to following:

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